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FILED

JUNE 8, 2005

**NEW JERSEY STATE BOARD
 OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
 DEPT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 BOARD OF MEDICAL EXAMINERS
 OAL Docket No. BDSME 02160-2004S

IN THE MATTER OF SUSPENSION OR
 REVOCATION OF LICENSE No. MA64330
 OF ANNA D. LEE, M.D.
 TO PRACTICE MEDICINE AND SURGERY
 IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION
 FINAL ORDER

This matter was opened to the State Board of Medical Examiners by Peter C. Harvey, Attorney General of New Jersey, by Joan D. Gelber, Deputy Attorney General, by the filing of Administrative Complaint on December 15, 2003 against Anna D. Lee, M.D.

Dr. Lee, board-certified by the American Board of Physical Medicine and Rehabilitation, holds license number MA64330 and has maintained a private medical practice under the corporate name "Cherry Hill Pain & Rehab Institute" [sic] currently at 1930 E. Marlton Pike, Suite L63, Cherry Hill, NJ 08003 where she identifies herself as the Director. She formerly conducted the practice at 5 Split Rock Drive, Cherry Hill, NJ 08003 following practice at 510 N. Kings Highway, Cherry Hill, NJ, billing under Tax Identification Number 22-34591989. Her practice has included electrodiagnostic testing and physiatric treatment of patients claiming injury in motor vehicle accidents ("PIP" claims) and other non motor vehicle injuries. Dr. Lee is represented by Gavin P. Lentz, Esq.

The specific allegations set forth in the Administrative Complaint are incorporated herein. Dr. Lee filed an Answer, and the matter was transmitted to the Office of Administrative Law for plenary hearing scheduled to commence June 1, 2005. Respondent has submitted reports from various medical experts to explain her position on the allegations and statutory interpretations, in

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response to the expert reports and other information supporting the Attorney General's factual and legal allegations. In order to settle this matter after extensive discovery, Dr. Lee has now agreed to resolve the Complaint made against her and to honor the provisions set forth herein which results in a disposition of this case by way of pleading neither an admission nor denial.

With regard to Dr. Lee's practice of intramuscular stimulation ("IMS") treatment, she asserts her belief that her method can be beneficial to patients suffering chronic pain. She states that a form of IMS treatment was practiced during her residency and fellowship at the University of Pennsylvania Medical Center, following which she established a private practice using her version of this procedure for the next several years. None of her patients have submitted a complaint about Dr. Lee to the Board. She has offered multiple supporting patient testimonials and some patients have offered to provide supportive testimony about the benefits they received while being treated by Dr. Lee.

The Board notes that, among its other concerns in this matter, Dr. Lee's IMS treatment method has not yet been recognized in peer-reviewed medical publications, nor attained the degree of acceptance sufficient to be recognized with a standard definition in the Manual of Current Procedural Terminology ©. Dr. Lee is free to develop further evidence of the medical effects of IMS with the necessary comprehensive patient examination and related treatment rationales consistent with accepted standards of practice. Dr. Lee has represented that she will refer future EMG/NCV testing to third parties.

Dr. Lee, having had the opportunity to confer with her current attorney, has agreed to resolve this matter as set forth below. The Board finds the following to be adequately protective of the public's best interests. For sufficient cause shown,

IT IS, ON THIS 8th DAY OF June 2005

ORDERED:

1. Respondent Anna D. Lee, M.D. is hereby reprimanded based upon the Board's view of the allegations and supporting information in the Administrative Complaint.

2. Respondent is hereby placed on a monitoring program and supervision for a period of one (1) year, and shall comply with all conditions in this agreement for the term of such monitoring and supervision. Failure to comply with any condition of this agreement shall result

in immediate suspension upon proof of such violation in an Order to Show Cause proceeding.

3. Dr. Lee shall practice in a manner consistent with the public health, safety and welfare, and her plans for resumption of practice are expressly subject to the conditions and restrictions below.

4. Respondent shall practice only in a Board-approved setting wherein she shall be supervised by another plenary licensed practitioner or group of such practitioners, or by a licensed health care facility, along with a Board approved supervisor who shall supervise examinations, confirm diagnosis, prescriptions, interpretations and treatments. Dr. Lee will submit the Curriculum Vitae of a proposed supervisor and approval shall not be unreasonably withheld.

5. Respondent agrees that any IMS treatment of patients shall be performed by Dr. Lee or another licensed medical doctor¹, and shall be done only under the direct supervision of a New Jersey-licensed medical doctor who shall be obligated to confirm all diagnostic decisions. After the 12 month period of monitoring, Dr. Lee can request that the Board remove restrictions and this request shall not be unreasonably denied.

6. Bills for respondent Dr. Lee's services, when submitted to a third-party payor, shall be prepared by her supervisor and shall accurately specify procedures performed and shall use appropriate codes with reports clearly and concisely describing any procedure for which there is not a current accepted code. Bills paid by patients directly shall contain an accurate and sufficient statement of services rendered.

7. In the event that the supervisor's review of the charts or of events observed is deemed to demonstrate a deviation from accepted standards of care, the supervisor shall be required to and shall agree to immediately notify the Medical Director of the Board of Medical Examiners.

8. All costs of the measures set forth above shall be borne by Respondent and shall not be passed on to patients.

¹To the extent treatment may involve an informed-consent administration of IMS, the supervisor need not personally perform said treatment, provided that the supervisor has familiarized him/herself with Dr. Lee's theoretical and physiological bases for the treatment, and has assured that all medically recognized protocols for safe and competent patient care have been maintained and documented.

9. Respondent shall provide appropriate releases to any and all persons who are participating in the monitoring program, as may be required in order that all reports, records and other pertinent information shall be provided to the Board in a timely manner. Respondent agrees that none of the persons proposed and/or approved as monitor shall have or incur any liability to Respondent as a result of their good faith performance of their services.

10. Respondent shall submit, every 90 days for one (1) year, to the Medical Director of the State Board of Medical Examiners, on notice, a sampling of patient records selected by the Board (redacted to preserve privacy) including billing/claim forms for quality assurance as to apparent adequacy of care, prescribing and recordkeeping, and use of appropriate billing codes.

11. Pursuant to N.J.S.A. 45:1-25(a) and (d), respondent Dr. Lee is hereby assessed the aggregate sum of \$75,000.00 payable to the State Board of Medical Examiners at P.O. Box 183, Trenton, New Jersey 08625-0183 by certified check or postal money order. The first \$10,000 of said sum shall be paid within 30 days of the entry of this Order and the remainder shall be paid in monthly installments in amounts that assure payment is completed within 24 months thereafter. A Certificate of Debt shall be filed; N.J.S.A. 45:1-24.

12. This order is not intended to resolve or adjudicate any pending matters between any private parties nor to compromise or adjudicate any claims or defenses in any pending or future actions.

13. The attached Notice provisions are incorporated by reference.

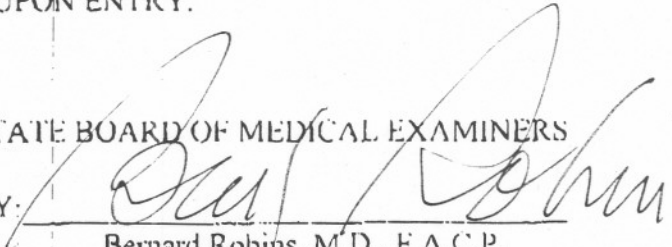
14. This Order is intended solely to resolve all administrative and license issues arising with respondent Dr. Lee, which were alleged as violations by the Attorney General in the administrative disciplinary proceedings with regard to Dr. Lee's responsibilities to the New Jersey State Board of Medical Examiners. The entry of this Order shall not limit the authority of the Attorney General or of any other person or agency, to initiate any other action permitted by law, whether administrative, civil or criminal, in any court of competent jurisdiction or other forum.

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THIS ORDER IS EFFECTIVE UPON ENTRY.

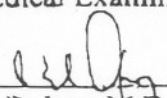
STATE BOARD OF MEDICAL EXAMINERS

BY:



Bernard Robins, M.D., F.A.C.P.

President

I have read the within Order and
understand its terms. I consent to
the filing of the Order by the Board
of Medical Examiners.


Anna D. Lee, M.D.

Witness


Gavin P. Lentz, Esq.
Counsel to Dr. Lee

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license;
- (2) Which censures, reprimands or places on probation;
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.